

# Affidavit of Publication

## Payson Roundup

10040410

9/18/2009

STATE OF ARIZONA

COUNTY OF GILA

W02734A-09-0276  
W20682A-09-0276



I, Paula VanBuskirk, do solemnly swear that I am Assistant Bookkeeper of the Payson Roundup, that the same is a newspaper printed, in whole or in part, and published in the COUNTY OF GILA, State of Arizona, and has a general circulation therein; that said newspaper has been published continuously and uninterrupted in said COUNTY OF GILA for a period of more than fifty-two weeks prior to the first publication of the annexed legal notice or advertisement; that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879, or any amendments thereof, and that said newspaper is a newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Arizona. That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said daily newspaper for the period of 1 consecutive insertions; and that the first publication of said notice was in the issue of said newspaper dated September 18 A.D., 2009, and that the last publication of said notice was in the issue of said newspaper dated September 18 A.D., 2009. In witness whereof I have hereunto set my hand this September 18 A.D., 2009.

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Arizona Corporation Commission

DOCKETED

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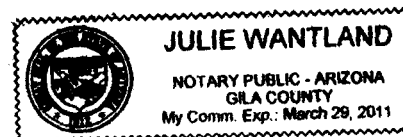
Paula VanBuskirk

DOCKETED BY

Subscribed and sworn to before me, a Notary Public in and for the COUNTY OF GILA, State of Arizona September 18 A.D., 2009.

Julie Wantland, Notary Public

My commission expires March 29, 2011.



**IN THE MATTER OF THE APPLICATION OF TONTO CREEK  
UTILITY CO. FOR APPROVAL OF THE SALE OF ITS ASSETS AND  
TRANSFER OF ITS CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO TONTO CREEK WATER COMPANY LLC  
(Docket No. W-02784A-09-0276 et al.)**

**Summary**

On June 2, 2009, Tonto Creek Utility Co. ("TCUC") filed with the Arizona Corporation Commission ("Commission") an application for approval of the sale of its assets and the transfer of its Certificate of Convenience and Necessity ("CC&N") to Tonto Creek Water Company LLC ("TCWC"). Per the application, TCUC and TCWC entered into an agreement on June 1, 2009, under which TCUC will transfer all of its assets to TCWC in return for \$15,000. The agreement states that there is a separate agreement for the transfer of ownership of Lot 23 in Tonto Creek Estates. The agreement states that, at closing on the transaction, TCUC will pay all main extension agreement refunds due and all meter and service line installation charge refunds due. TCUC has asserted that TCWC will charge customers the same rates and charges currently assessed by TCUC, that the current Certified Operator will continue to operate the system, and that TCWC currently plans no changes to the operation and maintenance of the system.

The Commission's Utilities Division Staff ("Staff") is in the process of analyzing the application and has not yet made any recommendations in this matter. The Commission is not bound by the proposals made by TCUC, TCWC, Staff, or any intervenors. The Commission will determine whether to approve the sale of assets and CC&N transfer based on the evidence received through an evidentiary hearing in this matter.

**If You Are a TCUC Customer**

If the sale of assets and CC&N transfer are approved, TCWC will be the exclusive provider of water utility service to your area. TCWC is under the jurisdiction of the Commission. TCWC's address is 4486 East Ford Avenue, Gilbert, AZ 85234. Phone: 480-664-0220.

If you have a claim against TCUC, such as a claim for refund of a security deposit or service line and meter installation charges or for refund on a main extension agreement, and you have not been contacted by TCUC regarding your claim, you must present your claim to TCUC by **October 15, 2009**. Direct your claim to TCUC at HC2 Box 94G, Payson, AZ 85541. Phone: 928-478-4384.

**How You Can View or Obtain a Copy of the Application and Other Documents**

Copies of the application and the other documents filed in this matter are available at TCUC's offices 227 N. Tonto Rim Ranch Road, Payson, Arizona 85541, at the Commission's Docket Control Center at 1200 West Washington, Phoenix, Arizona, for public inspection during regular business hours; and on the Internet via the Commission's website ([www.azcc.gov](http://www.azcc.gov)) using the e-Docket function.

**Arizona Corporation Commission Public Hearing Information**

The Commission will hold a hearing in this matter beginning on **October 27, 2009, at 10:00 a.m.**, in Hearing Room #1 at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona. Public comments will be taken on the first day of the hearing. Written public comments may be submitted by mailing a letter referencing Docket No. W-02784A-09-0276 et al. to Arizona Corporation Commission, Consumer Services Section, 1200 West Washington, Phoenix, AZ 85007, or by e-mail. For a form to use and instructions on how to e-mail comments to the Commission, go to [http://www.azcc.gov/divisions/utilities/forms/public\\_comment.pdf](http://www.azcc.gov/divisions/utilities/forms/public_comment.pdf). If you require assistance, you may contact the Consumer Services Section at 1-800-222-7000 or 602-542-4251.

**About Intervention**

Any person or entity entitled by law to intervene and having a direct and substantial interest in the matter will be permitted to intervene. If you desire to intervene, you must file a written motion to intervene with the Commission no later than **October 15, 2009**. You must send a copy of the motion to intervene to TCUC and TCWC, or to their counsel, and to all parties of record. Your motion to intervene must contain the following:

1. Your name, address, and telephone number and the name, address, and telephone number of any person upon whom service of documents is to be made, if not yourself;
2. A short statement of your interest in the proceeding (e.g., a customer of TCUC, etc.); and
3. A statement certifying that you have mailed a copy of the motion to intervene to TCUC and TCWC, or their counsel, and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before October 15, 2009. If representation by counsel is required by Rule 31 of the Rules of the Arizona Supreme Court, intervention will be conditioned upon the intervenor's obtaining counsel to represent the intervenor. For information about requesting intervention, visit the Commission's website at <http://www.azcc.gov/divisions/utilities/forms/interven.pdf>. The granting of intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any interested person or entity from appearing at the hearing and providing public comment on the application or from filing written comments in the docket for the case.

**ADA/Equal Access Information**

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter and request this document in an alternative format by contacting the ADA Coordinator, Shaylin Bernal, at [sabernal@azcc.gov](mailto:sabernal@azcc.gov), voice phone number (602) 542-3931. Requests should be made as early as possible to allow time to arrange the accommodation.